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THE SITUATION IN THE MIDDLE EAST
QUESTION OF PALESTINE

SECURITY COUNCIL
Fifty-fourth year

Report of the Secretary-General

1. The present report is submitted in accordance with General Assembly resolution 53/42 of 2 December 1998 on the peaceful settlement of the question of Palestine.

2. On 2 August 1999, the Secretary-General, pursuant to the request contained in paragraph 9 of the above-mentioned resolution, addressed the following letter to the President of the Security Council:

> "I have the honour to refer to resolution 53/42, which the General Assembly adopted on 2 December 1998, at its fifty-third session, under the agenda item 'Question of Palestine'.
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> "In paragraph 9 of the resolution, the General Assembly 'requests the Secretary-General to continue his efforts with the parties concerned, and in consultation with the Security Council, for the promotion of peace in the region and to submit progress reports on developments in this matter'.
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> "In order to fulfil my reporting responsibilities under this resolution, I should be grateful if you would kindly convey to me the views of the Security Council by 30 September 1999."

3. On 6 October 1999, the following reply was received from the Security Council:

> "The members of the Security Council view with interest the recent developments in the Middle East region.
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> "The members of the Security Council welcome the signing of the Sharm El-Sheikh Memorandum between Israel and the Palestine Liberation

Organization as an important step forward in the Middle East peace process. They express their belief that the new agreement opens the way for a just, lasting and comprehensive peace within a reasonable time frame in the entire region, based on all relevant Security Council resolutions, in particular 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973. They condemn vigorously all acts of terrorism and violence in the region. They call upon all parties to implement in full their commitments under existing agreements and to refrain from actions that pre-empt the negotiations and worsen both the political and the economic situation in the Palestinian territories, and to abide scrupulously by their obligations under international law.

"The members of the Security Council continue to be determined to keep developments under review and to provide the necessary backing, giving full support to the agreements reached, as well as to the timely and speedy implementation of those agreements."

4. In a note verbale dated 28 July 1999 to the parties concerned, the Secretary-General sought the positions of the Governments of Egypt, Israel, Jordan, Lebanon and the Syrian Arab Republic, as well as the Palestine Liberation Organization, regarding any steps taken by them to implement the relevant provisions of the resolution. As of 6 October 1999, the following replies had been received:

Note verbale dated 31 August 1999 from the Permanent Representative of the Hashemite Kingdom of Jordan to the United Nations addressed to the Secretary-General

"Jordan has always believed that it is important and indeed essential to achieve a just, comprehensive and lasting peace that will ensure that Arab rights are restored and secured in accordance with resolutions that have the force of international law, the principle of land for peace and the relevant resolutions of the Security Council, particularly its resolutions 242 (1967), 338 (1973) and 425 (1978), so as to achieve security, stability and development for all the States of the region and for their peoples.

"Jordan is pursuing its ongoing endeavour to implement the provisions of the Jordanian-Israeli Treaty of Peace signed in 1994 and the agreements to which it gave rise, and it has given them effect with a view to perpetuating and reinforcing the state of peace between the two sides.

"His Majesty King Hussein Bin Talal (may God rest his soul) played an active and prominent role in the successful conclusion of the Wye River Memorandum by the Palestinian and Israeli sides. Jordan, which believes and understands that the question of Palestine represents the essence and core of the Arab-Israeli conflict, has made good use of its relations and contacts with all the parties in order to advance the negotiating process on the Palestinian-Israeli track.

"Under the leadership of His Majesty King Abdullah II Bin Hussein and the Jordanian Government, the country is continuing its efforts in its contacts and meetings with the regional and international parties concerned to advance the peace process on all tracks, believing as it does in the inclusive character of any solution that will achieve a just, comprehensive and lasting peace, bring security and stability to the region and secure prosperity for its peoples.

"Jordan is of the view that the outcome of the recent Israeli elections and the assumption of office by the new Government constitute a plebiscite in which Israeli society voted in favour of peace. The new Israeli Government is urged to take decisive steps to honour the agreements and commitments that have been entered into and, in particular, to implement the Wye River Memorandum of October 1998 and to resume the negotiations on the Syrian and Lebanese tracks from the point at which they were suspended. Jordan stresses the importance of the historic opportunity that presents itself for the achievement of peace. It must not be allowed to slip away."

Note verbale dated 29 September 1999 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General

"General Assembly resolution 53/42 is the main political resolution on the Palestinian issue, and it was adopted by an overwhelming majority (154-2-3), a reflection of the strong convictions of the international community with regard to the content of the resolution. In addition, similar texts have been adopted by the Assembly over the past few years by overwhelming majorities, reflecting an established position by the international community in this regard. As stated in my note verbale of 9 October 1998 (A/52/652-S/1998/1050), the resolution recalls several principles of international law and the Charter of the United Nations, provides support for the peace process and implementation of the agreements reached and also provides the basis for the just settlement of the question of Palestine, the core of the Arab-Israeli conflict. The resolution emphasizes as well the importance of a more active and expanded role for the United Nations in this process. As such, the resolution should serve as an acceptable basis for all parties to work on these important issues.

"In preambular paragraph 8 of resolution 53/42, the General Assembly affirmed 'the illegality of the Israeli settlements in the territory occupied since 1967 and of Israeli actions aimed at changing the status of Jerusalem'. Over the past year, such illegal activities have continued, particularly in Jabal Abu Ghneim to the south of Occupied East Jerusalem in Ras al-Amud, in addition to other colonial settlement activities and measures throughout the Palestinian territory. The General Assembly responded by reconvening the tenth emergency special session on 5 February 1999 and adopting resolution ES-10/6 on 9 February 1999. The international community responded as well by convening a Conference of the High Contracting Parties to the Fourth Geneva Convention on Measures to Enforce the Convention in the Occupied Palestinian Territory, including

Jerusalem. This marked the first time in the history of the Geneva Conventions that a conference was convened to consider a specific case of violations of the Fourth Geneva Convention. In that Conference, the High Contracting Parties 'reaffirmed the applicability of the Fourth Geneva Convention to the Occupied Palestinian Territory, including East Jerusalem', and 'reiterated the need for full respect for the provisions of the said Convention in that Territory'. The Conference adjourned 'on the understanding that it will convene again in the light of consultations on the development of the humanitarian situation in the field'.

"In paragraph 2 of resolution 53/42, the General Assembly once again expresses its full support for the ongoing peace process which began in Madrid and the Declaration of Principles on Interim Self-Government Arrangements of 1993, as well as the subsequent implementation agreements, including the Israeli-Palestinian Interim Agreement on the West Bank and Gaza Strip of 1995, and expresses the hope that the process will lead to the establishment of a comprehensive, just and lasting peace in the Middle East'. In paragraph 3, the Assembly stresses the necessity for commitment to the principle of land for peace and the implementation of Security Council resolutions 242 (1967) and 338 (1973), which form the basis of the Middle East peace process, and the need for the immediate and scrupulous implementation of the agreements reached between the parties, including the redeployment of the Israeli forces from the West Bank and the commencement of the negotiations on the final settlement.

"Since the adoption of resolution 53/42, the deadlock in the Middle East peace process has continued for most of the past year. Little progress was made with regard to the implementation of the agreements reached; the situation on the ground, including the economic and living conditions of the Palestinian people, continued to deteriorate; and tension increased in the region as a whole, all as a result of the policies and practices of the Israeli Government. Several letters of complaint regarding those policies and practices were conveyed by the Permanent Observer of Palestine to the United Nations during the past year to the Secretary-General, the President of Security Council and the President of the General Assembly.

"Recently, however, with the new Israeli Government, the two parties succeeded in reaching the Sharm el-Sheikh Memorandum. The Memorandum addresses such issues as further redeployment of Israel from the Occupied Palestinian Territory, the release of prisoners, and the implementation of overdue prior commitments between the two sides, as well as the timetable for permanent status negotiations. Initial steps in implementation of the Sharm el-Sheikh Memorandum have already begun. Moreover, the parties agreed to reach the final settlement within a year from the signing of the Sharm el-Sheikh Memorandum, which is September 2000.

"In paragraphs 5 and 6, the Assembly stressed once more the need for 'the realization of the inalienable rights of the Palestinian people, primarily the right to self-determination'; and 'the withdrawal of Israel from the Palestinian territory occupied since 1967'; and also stressed the

need for 'resolving the problem of the Palestine refugees in conformity with its resolution 194 (III) of 11 December 1948'.

"The Palestinian side believes that paragraphs 5 and 6 are of great importance, as they reflect established positions of the international community consistent with international law. The Palestinian side believes that the international community, represented by the General Assembly, should always uphold the principles of the Charter of the United Nations, international law, international humanitarian law and the validity of Security Council resolutions. As such, the General Assembly has to uphold its positions related to the inalienable rights of the Palestinian people, and it should maintain its positions related to the elements of the final settlement (permanent status issues), including Jerusalem, settlements and refugees. It should be affirmed that illegal Israeli actions in these fields and their results remain illegal, regardless of the passage of time.

"Paragraph 8 of the same resolution, 'emphasizes the importance for the United Nations to play a more active and expanded role in the current peace process and in the implementation of the Declaration of Principles'. The Palestinian side welcomes the progress made in this regard, especially in the fields of providing economic, social and other assistance to the Palestinian people. It welcomes in particular the work of the Office of the United Nations Special Coordinator in the Occupied Territories in the field of coordinating United Nations and international assistance to the Palestinian people. In this regard, it wishes to extend its thanks and appreciation to the outgoing Special Coordinator, Mr. Chinmaya R. Gharekhan. It also welcomes the appointment of Mr. Terje Roed-Larsen as the new United Nations Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General to the Palestine Liberation Organization and the Palestinian Authority, the scope of whose work has clearly broadened, as reflected in the new title. The Palestinian side welcomes as well the work done by the Commissioner-General, Mr. Peter Hansen, and the staff of the United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA), including the work of UNRWA's headquarters in Gaza City. It affirms the need for the continuation of the valuable and important work of UNRWA in other fields of operation outside of the Occupied Palestinian Territory and in the maintenance of all field offices, including the field office in Jerusalem.

"The Palestinian side hopes that the United Nations will contribute to the efforts being undertaken to help push the peace process forward. The involvement of the Security Council would also be a very important factor in the interest of the peace process. Indeed, the Security Council has contributed to the salvaging of the peace process by responding to some serious events in the Occupied Palestinian Territory, including Jerusalem, by adopting resolution 1073 (1996) of 28 September 1996 and, before that, by adopting resolution 904 (1994) on the massacre in Al-Khalil (Hebron) in Al-Ibrahimi Mosque. On 30 June 1998, the President of the Security Council issued a statement (S/PRST/1998/21) on the situation in the occupied Arab territories. Since the adoption of resolution 53/42, the Council has taken no action in that regard.

"The Palestinian side would like to underscore the request made by the General Assembly in resolution 53/42 for the Secretary-General to continue his efforts with the parties concerned, and in consultation with the Security Council, for the promotion of peace in the region and to submit progress reports on developments in this regard.

"Finally, the Palestinian side believes that for the peaceful settlement of the question of Palestine to be achieved through the current Middle East peace process, it is necessary to respect the mutual recognition between the two sides and the basis upon which the process was initiated - namely, the principle of the return of land for peace and the implementation of Security Council resolutions 242 (1967) and 338 (1973). It is equally important for the parties to comply with the agreements reached and to implement those agreements in good faith and without delay. Furthermore, all actions that violate international law, relevant Security Council resolutions and those agreements must cease completely. The international community, especially the co-sponsors of the peace process, has a great responsibility in this regard. There is an international consensus that the final settlement should be concluded sometime between May and September 2000. The Palestinian side believes that the Millennium Summit should represent a deadline for reaching this. The Palestinian side is determined to meet this deadline and strongly believes that Palestine must participate as a Member State in that Millennium Summit."

Observations

5. The signing in Cairo of the Sharm el-Sheikh Memorandum on 4 September 1999 by the Government of the State of Israel and the Palestine Liberation Organization brings with it cautious optimism that the Middle East peace process has been brought back on track. The new agreement contains a timeline for implementation of all the commitments the two sides have made since the signing in Washington, D.C. on 13 September 1993 of the Declaration of Principles on Interim Self-Government Arrangements. It also states that the two sides have reaffirmed their understanding that the negotiations on the Permanent Status will lead to the implementation of Security Council resolutions 242 (1967) and 338 (1973) and that they have agreed to conclude a comprehensive agreement on all Permanent Status issues within one year from the resumption of those negotiations - i.e., by September 2000. While the issues that remain to be resolved are difficult - and there are those who may seek to hinder progress in resolving them - five decades of conflict and unease must at last be brought to an end so that all may envisage the time when a new generation of Israelis and Palestinians will be born into conditions of peace and stability.

6. As the General Assembly has underscored on many occasions, achieving a final and peaceful settlement of the question of Palestine, the core of the Arab-Israeli conflict, is imperative for the attainment of a comprehensive and lasting peace in the Middle East. It is to be hoped that progress on the Israeli-Palestinian track will lead soon to movement on the Syrian and Lebanese tracks so that peace, security and stability may be achieved for all peoples in the region on the basis of Security Council resolutions 242 (1967), 338 (1973) and 425 (1978) and the principle of land for peace.

7. Given the recent encouraging developments in the Middle East peace process, I have appointed Mr. Terje Roed-Larsen of Norway as the United Nations Special Coordinator for the Middle East Peace Process and my Personal Representative to the Palestine Liberation Organization and the Palestinian Authority. His presence on the ground will help to ensure that United Nations support to the peace process is fully integrated and coordinated, particularly in the area of development assistance.

8. May I take this opportunity to pay tribute to Mr. Chinmaya R.Gharekhan, who completed his assignment as my Special Representative to the multilateral talks on Middle East peace and United Nations Special Coordinator in the Occupied Territories on 30 September 1999.